



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/993,941	11/27/2001	Eli Doron	P-3358-US	5485
27130	7590	01/27/2005	EXAMINER	
EITAN, PEARL, LATZER & COHEN ZEDEK LLP 10 ROCKEFELLER PLAZA, SUITE 1001 NEW YORK, NY 10020			LIEN, TAN	
			ART UNIT	PAPER NUMBER
			2141	

DATE MAILED: 01/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/993,941

Applicant(s)

DORON, ELI

Examiner

Tan Lien

Art Unit

2141

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 November 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-47 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-47 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 November 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 12/11/02.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Priority

Acknowledgment is made of applicant's claim for priority under 35 U.S.C. 119(e). The certified copy has been filed in provisional Application No. 60/253086, filed on 11/28/2000.

Drawings

The drawings are objected to because all of the drawings are hand written in an illegible form and the figures should have labels so that anyone looking at it can have at least a bit of understanding of what the entities in the figures represent.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of

Art Unit: 2141

the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

Claims 45-47 are objected to because of the following informalities: The "means" should be "means for" + function in these claims. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 9 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim contains subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The written description describes a plurality of clients receiving streaming data but never did the written description disclose a second client sending a request to modify the stream to other clients. In other words, the clients disclosed in the written description function to send request for streaming data, not to function as a proxy to modify other client's streams.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-8, 10-15, 17-26, 29-31, 35, 37, and 45 are rejected under 35 U.S.C. 102(b) as being anticipated by Kalra (US Patent 5,953,506).

Claim 1, 21, 22: Kalra teaches a method comprising:

Accepting a set of configuration parameters (Abstract; wherein the set of configuration parameters are stored in a profile associated with each different client computer having different configurations and capabilities);

Accepting a data stream from a server (Abstract; wherein the client is accepting a base digital data stream (DSP) and additive digital data streams (DSP) through the Stream Management Module based on client configurations and capabilities);

Transforming the data stream in response to the configuration parameters (Abstract and FIG. 1; wherein the stream management module transcode the base stream and additive streams to match the configurations and capabilities of the client so that the best combination of streams can be provided to maximizes the resolution of the 3D, audio and video components); and

Transmitting the transformed data stream to a data stream client (Abstract).

Art Unit: 2141

Claim 17, 18, 19, 20, 23, 24: Kalra teaches a method comprising:

Accepting a data stream from a server (Abstract; wherein the client is accepting a base digital data stream (DSP) and additive digital data streams (DSP) through the Stream Management Module based on client configurations and capabilities);

Accepting a set of parameters regarding a data path between the server and a client (FIG. 12 and FIG. 14; wherein the server is accepting the parameters regarding alternate paths to send the stream thereto); and

Transforming (FIG. 1 and Abstract; wherein transcoding is used in reference 10) the data stream so that the maximum amount of data is transmitted in the data stream while allowing the data stream to maintain a minimum quality requirement and setting the data stream bandwidth so that it is below an allocation (col. 17, lines 10-35 and col. 15, lines 50-55; wherein the bandwidth and CPU load constraints are calculated and allocated).

Claim 25, 26, 29, 30, 31, 35, 37, 45: Kalra teaches a device for converting streaming data sent by a server to a set of clients, the device comprising:

a data converter (Abstract and FIG. 2A, ref. 20);

a configuration memory holding data on the capabilities of a subset of the clients (Abstract and FIG. 1 & 2A; wherein the stream management module transcode the base stream and additive streams to match the configurations which include client request parameters and capabilities of the client so that the best

combination of streams can be provided to maximizes the resolution of the 3D, audio and video components);

wherein the data converter converts the digital data stream (DSP) into an output data stream for transmission to a client based on the capabilities of the client and capabilities of the network (Abstract and col. 17, lines 10-15; wherein the bandwidth constraint is the capabilities of the network).

Claim 2, 15: Kalra teaches the method of claim 1, wherein

the configuration parameters reflect the capabilities of a network that transmit information between the server and the data stream client (Abstract and col. 17, lines 10-15; wherein the client is accepting a base data stream and additive streams based on client configurations and network capabilities or bandwidth constraint).

Claim 3: Kalra teaches the method of claim 2, wherein

the capabilities of the network include bandwidth information for the network (col. 17, lines 10-15).

Claim 4: Kalra teaches the method of claim 2, wherein

the capabilities of the network include load information for the network (col. 17, lines 25-35; wherein the CPU load is calculated).

Claim 5: Kalra teaches the method of claim 1, wherein

the configuration parameters reflect the capabilities of the data stream client
(Abstract; wherein the client is accepting a base data stream and additive
streams based on client configurations and capabilities).

Claim 6: Kalra teaches the method of claim 1, wherein

the capabilities of the data stream client reflect the amount of data the data
stream client may accept in a data stream (col. 1, lines 50-55).

Claim 7: Kalra teaches the method of claim 1, wherein

the capabilities of the data stream client reflect the compression capabilities of
the client (col. 5, lines 60-67 thru col. 6, lines 1-10; wherein the number of
additive streams send to the client depends on the compression capabilities of
the client by determining the coefficients).

Claim 8: Kalra teaches the method of claim 1, wherein

the capabilities of the data stream client reflect the number of data streams the
client may accept (Abstract and FIG. 2A; wherein the better the capabilities of the
client, the more additive streams the client can accept to maximize the
resolution).

Claim 10: Kalra teaches the method of claim 1, wherein

the data stream is audio streaming data (Abstract).

Claim 11: Kalra teaches the method of claim 1, wherein
the data stream is video streaming data (Abstract).

Claim 12, 14: Kalra teaches the method of claim 1, wherein
the transformation is transcoding (FIG. 1).

Claim 13: Kalra teaches the method of claim 1, wherein
the configuration parameters include information on data stream requests
(Abstract; wherein when the clients are requesting data streams from the
streaming server the data sent are data stream requested by client).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all
obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 9, 16, 27-28, 32-34, 36, 38-44, and 46-47 are rejected under 35 U.S.C.
103(a) as being unpatentable over Kalra in view of Stead (US Patent 6,651,089).

Art Unit: 2141

Claim 9, 16, 27, 28, 32, 36, 46, 47: Kalra teaches the method of claim 1, 25, 29 and transcoding the data stream for the client in response to the capabilities of the network and clients but fail to teach:

Accepting the data request of a second client; and

Modifying the manner in which the data stream is transformed when sent to the data stream client.

Stead, in an analogous art, teaches accepting a data request from the client and the data request is requesting to modify packet streams (col. 8, lines 12-42). It would be obvious to one of ordinary skill in the art at the time of the invention to combine Kalra's method of transforming streams in response to configuration parameters with Stead's method of sending a client request to modify or transform packet streams, for the advantage of overcoming the deficiency of long delays when switching to different streams of data (col. 1, lines 55-65 Stead).

Claim 33, 34: Kalra and Stead teach the device of claim 32, wherein

the configuration changes include information on client and network capabilities (col. 17, lines 10-35 Kalra).

Claim 38, 42, 43, 44: Kalra teaches a method comprising:

accepting a data stream from a server (Abstract);

accepting a set of configuration parameters including information on client

capabilities and network capabilities (Abstract and col. 17, lines 10-35); and

for each client of a set of clients, transforming/transcoding the data stream in response to the configuration parameters and transmitting the transformed data stream to said client (FIG. 2A);

Kalra, however, fail to teach

accepting a modification to the configuration parameters; and

in response to the modification, modifying the data stream transformation for one or more of the clients.

Stead, in an analogous art, teaches accepting a data request from the client and the data request is requesting to modify packet streams (col. 8, lines 12-42). It would be obvious to one of ordinary skill in the art at the time of the invention to combine Kalra's method of transforming streams in response to configuration parameters with Stead's method of sending a client request to modify or transform packet streams, for the advantage of overcoming the deficiency of long delays when switching to different streams of data (col. 1, lines 55-65 Stead).

Claim 39: Kalra and Stead teach the method of claim 38, wherein

the configuration parameters include information on client capabilities (Abstract Kalra; wherein the client is accepting a base data stream and additive streams based on client configurations and capabilities).

Claim 40: Kalra and Stead teach the method of claim 38, wherein

the configuration parameters include information on network capabilities (Abstract and col. 17, lines 10-15 Kalra; wherein the client is accepting a base data stream and additive streams based on client configurations and network capabilities or bandwidth constraint).

Claim 41: Kalra and Stead teach the method of claim 38, wherein the configuration parameters include information on data stream requests (Abstract Kalra; wherein when the clients are requesting data streams from the streaming server the data sent are data stream requested by client).

Conclusion


Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Tan Lien whose telephone number is (571) 272-3883. The examiner can normally be reached on Monday-Thursday from 8:30am to 6pm. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia, can be reached at (571) 272-3880. The fax phone number for this Group is (703) 305-3718.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [tan.lien@uspto.gov].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.


RUPAL DHARIA
SUPERVISORY PATENT EXAMINER